

EXHIBIT 109



BRAZORIA COUNTY
STAY SAFE AT HOME ORDER

DATE ORDER ISSUED: March 25, 2020

WHEREAS, pursuant to Texas Government Code Section 418.108, Brazoria County Judge L.M. “Matt” Sebesta, Jr. issued a Declaration of Local Disaster for Public Health Emergency on March 17, 2020, due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19;

WHEREAS, the on-going evaluation of circumstances related to the virus and the updated recommendations of the Centers for Disease Control and Prevention and the Texas Department of State Health Services warrant the March 17, 2020 Order of County Judge L.M. “Matt” Sebesta, Jr. be amended;

WHEREAS, on March 16, 2020, President Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people’s interactions, including that Americans should avoid groups of more than 10 people;

WHEREAS, Governor Abbott issued an Executive Order on Thursday, March 19, 2020, issuing orders for Texas to adhere to certain control measures and mitigation strategies;

WHEREAS, the Commissioner of the Texas Department of State Health Services declared a Public Health Emergency for the entire State of Texas on Thursday, March 19, 2020, and outlines certain control measures and mitigation strategies;

WHEREAS, it is necessary to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible;

WHEREAS, despite the current state of this public health crisis, people will need to leave self-isolation to obtain or perform vital services or to otherwise facilitate authorized activities necessary for the continuity of social and commercial life. As such, persons should at all times as reasonably as possible comply with Social Distancing Requirements as defined by the Centers of Disease Control and Prevention; and

WHEREAS, on March 24, 2020, the Brazoria County Commissioners Court issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the Brazoria County Emergency Management Plan unless rescinded by order of the Commissioners Court.

THEREFORE, the March 17, 2020 Order of County Judge L.M. “Matt” Sebesta, Jr. is hereby AMENDED as follows:

Summary: The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person to person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this Order requires all individuals anywhere in Brazoria County to stay at home except for certain essential activities and work, to provide essential business and government services, or perform essential public infrastructure and construction, including housing. This Order takes effect at 6:00 p.m. on March 26, 2020 and will continue through 11:59 p.m. on April 3, 2020, subject to the limited exceptions and under the terms and conditions more particularly set forth below.

**UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108,
BRAZORIA COUNTY JUDGE L.M. “MATT” SEBESTA, JR. ORDERS:**

1. Effective as of 6:00 p.m. on March 26, 2020, and continuing until 11:59 p.m. on April 3, 2020:
 - a. All persons may leave their residences only for Essential Activities, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 2. For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence.
 - b. All businesses operating within Brazoria County, except Essential Businesses as defined below in Section 2, are required to cease all activities at facilities located within the County. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines attached, including maintaining six foot social distancing for both employees and the general public.
 - c. All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.
 - d. Restaurants with or without drive-in or drive-through services and microbreweries, micro-distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law.
2. Definitions:
 - a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities”:

- i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members, including pets (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work or participate in or engage in school or study from home).
 - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and an essential operation of residences).
 - iii. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, or running).
 - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
 - v. To care for a family member or pet in another household.
- b. For purposes of this Order, “Essential Businesses” means:
- i. **Essential Healthcare Operations.** Healthcare operations, including hospitals, clinics, dentists, chiropractic, orthopedic, occupational and physical therapy, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities.
 - ii. **Essential Government Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Government Functions.” All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible.
 - iii. **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, industrial and chemical plants, roads and highways, public transportation, solid waste collection and removal, internet,

and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees and all activity shall be performed, to the extent possible, in compliance with social distancing guidelines attached.

- iv. **Essential Retail.** Food service providers, including grocery stores, warehouse stores, big-box stores, bodegas, liquor stores, gas stations and convenience stores,. School supply stores. Food cultivation, including farming, fishing, and livestock. Businesses that ship or deliver groceries, food, or goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free services to students or members of the public on a delivery, or pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospital and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, auto sales, auto dealerships, auto-supply, auto, recreational vehicle, and bicycle repair, hardware stores, construction supply stores and related facilities. Vehicles for hire including taxis and rideshare. Businesses that supply products needed for people to work or attend school from home.
- v. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- vi. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries. Plumbers, electricians, air conditioner maintenance and repair persons, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Lawn care services. Professional services, such as legal, accounting services, insurance, real estate services (including appraisal, surveying, and title services) when necessary to assist in compliance with legally mandated activities. Businesses that supply other essential businesses with support or supplies needed to operate.
- vii. **News Media.** Newspapers, television, radio, and other media services.
- viii. **Childcare Services.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted. However, to the extent possible, it is recommended that groups consist of no more than 10 and be kept separate.

- ix. **Labor union functions.** Critical labor union functions, including the maintenance of health and welfare funds and checking on the well-being and safety of members is allowed.
3. Any manufacturer who retools so that a substantial part of its/their business is for the purpose of manufacturing and producing ventilators may apply for an “essential business” exemption under this Order.
 4. Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. A number of Texas cities and local associations have implemented restrictions on delivery hours to stores to mitigate truck noise and traffic. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Brazoria County for the next 60 days.
 5. Real estate services related to current real estate transactions are recommended to be conducted as much as possible utilizing web-based technology to limit in person contact.
 6. Foreclosure proceedings within Brazoria County are temporarily suspended for at least the next 30 days to prevent the displacement of occupants during the public health emergency.
 7. Residents of Brazoria County are highly recommended to conduct essential Brazoria County business online or via regular mail to avoid visiting any Brazoria County Facilities unless absolutely necessary.
 8. If someone in a household has tested positive for coronavirus, the household is ordered to isolate at home for 14 days until or unless otherwise directed by the Local Health Authority. Members of the household cannot go to work, school, or any other community function.
 9. Individuals experiencing homelessness are strongly urged to obtain shelter and maintain social distancing of six (6) feet when feasible. If a homeless person is sheltered and exhibits symptoms or is diagnosed, the shelter’s isolation center shall be deemed the residence of the homeless person solely for the purpose of complying with the requirements of this declaration. Medical personnel shall make the decision whether any other shelter residents shall be required to isolate based on potential exposure. Available shelters, to the maximum extent practicable, must use COVID-19 risk mitigation practices in their operations.
 10. Nursing homes, retirement, and long-term care facilities are instructed by this Order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

11. For individuals who are 65 and older and individuals with compromised immune systems or underlying health conditions, the following recommendations are made:
 - a. Remain indoors;
 - b. Outdoor exercise activities should be done solitarily;
 - c. Prescreen all essential visitors;
 - d. Do not visit homes or places with more than one person;
 - e. Ask all visitors to wear masks;
 - f. Follow social distancing guidelines; and
 - g. Do not use public transit except in an emergency.
12. Local government May elections will be rescheduled.
13. Indoor recreational facilities, including a gym or health studio, indoor amusement facility, bowling alley, pool hall and/or theater (theatre) shall close until further notice.
14. Animal Shelters, and Other Businesses that Maintain Live Animals. Businesses that maintain and care for live animals are not permitted to allow any visitors or patrons, but may continue to operate to the extent necessary to provide the necessary care for the animals. Nothing in this section shall prohibit a non-employee from entering the premises to perform health care services or other Essential Business services.
15. Additionally, the Office of the Brazoria County Judge and the Brazoria County Local Health Authority instruct all employees to remain at home if sick.
16. "Community Gathering" does not include the following, or other similar uses, so long as the persons involved are generally not within six (6) feet of one another for extended periods:
 - a. Spaces where ten (10) or more persons may be in transit or waiting for transit such as airports, bus stations, or terminals;
 - b. Office space, child-care facilities, residential buildings, or any type of temporary sheltering or housing;
 - c. Grocery stores or other retail establishments where large numbers of people are present, but it is unusual for them to be within six feet of one another for extended periods; and
 - d. Hospitals and medical facilities.
17. This Order is issued in accordance with, and incorporates by reference, the National Emergency Declaration, Governor Abbott's Declarations of Disaster, and the Brazoria County Disaster Declaration, and all subsequent related orders and guidance from these authorities. This Order is a supplement to all previous orders and not in place of such. In the event of a conflict or apparent conflict between the orders, this Order shall control.
18. This Order comes after the release of substantial guidance from the Brazoria County Health Authority, Brazoria County Health Director, the Texas Department of Health

Services, the Centers for Disease Control and Prevention, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. The Brazoria County Health Authority, Brazoria County Health Director, and Brazoria County Judge, in consultation and communication with the Brazoria County Commissioners Court and other local elected leaders, will continue to assess this quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19 as may be necessary.

19. The County of Brazoria must promptly provide copies of this Order by posting on the Brazoria County website and the Brazoria County Health Department website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
20. This Order shall be effective until 11:59 p.m. on April 3, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law, and applies to all municipalities located within Brazoria County

**FAILURE TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ORDER
CONSTITUTES AN IMMINENT THREAT TO PUBLIC HEALTH.**

IT IS SO ORDERED



**L.M. "MATT" SEBESTA, JR.
BRAZORIA COUNTY JUDGE**

BCHD Social Distancing Recommendations

1) Vulnerable Populations: Limit Outings

- Vulnerable populations include people who are:
 - 60 years old and older.
 - People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.
- For vulnerable populations, don't go to gatherings unless it is essential. Stay home. Avoid people who are sick.

2) Workplace and Businesses: Minimize Exposure

- Suspend nonessential employee travel.
- Ensure employees practice social distancing and do not work within six feet of one another.
- Urge essential employees to stay home when they are sick and maximize flexibility in sick leave benefits.
- Do not require a doctor's note for employees who are sick.
- Maximize telecommuting options.
- Persons who need to be at work to provide essential services of great benefit to the community must take steps in their workplace to minimize risk.
- Do not share workspaces, pens, or supplies with other employees.
- Disinfect workspace with approved products.

3) Cancel Non-essential Events

- Cancel non-essential events.
- Do not attend any events or gatherings if sick.
- For events that aren't cancelled, we recommend:
 - Having hand washing capabilities, hand sanitizers and tissues available,
 - Frequently cleaning high touch surface areas like counter tops and hand rails,
 - Finding ways to implement social distancing.

4) Transit: Cleaning and Protection

- Increase cleaning of vehicles and high touch surface areas.
- Provide hand washing/hand sanitizers and tissues in stations and on vehicles.
- Ensure social distancing practices are implemented to the full extent possible.

5) Health Care Settings: Avoid as possible, protect the vulnerable

- Long-term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.
- Long-term care facilities should restrict all visitations except for certain compassionate care situations, such as end of life situations.
- The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.
- If you are ill, call your health care provider ahead of time and you may be able to be served by phone.
- Do not visit emergency rooms unless it is essential.
- Follow guidance and directions of all facilities.

6) Everyone: Do your part

The best way for all Brazoria County residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:

- Wash hands with soap and water for at least 20 seconds.
- Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.
- Stay home if you are sick.
- Avoid touching your face.
- Try alternatives to shaking hands, like an elbow bump or wave.
- If you have recently returned from a country, state or region with ongoing COVID-19 infections, monitor your health and follow the instructions of public health officials and CDC guidance.
- There is no recommendation to wear masks at this time to prevent yourself from getting sick.

You can also prepare for the disruption caused by an outbreak. Preparedness actions include:

- Prepare to work from home if that is possible for your job, and your employer.
- Make sure you have a supply of all essential medications for your family.
- Prepare a childcare plan if you or a caregiver are sick.
- Make arrangements about how your family will manage school closures.
- Plan for how you can care for a sick family member without getting sick yourself.
- Take care of each other and check in by phone with friends, family and neighbors that are vulnerable to serious illness or death if they get COVID-19.
- Keep common spaces clean to help maintain a healthy environment for you and others. Frequently touched surfaces should be cleaned regularly with disinfecting sprays, wipes or common household cleaning products.